

PART 82—AUTHORIZATION OF INSURANCE CARRIERS

- Sec.
 82.1 Insurance carriers covering outer Continental Shelf.
 82.2 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
 82.3 Outer Continental Shelf endorsement.
 82.4 Report by carrier of issuance of policy or endorsement; form.
 82.5 Report; by whom sent.
 82.6 Agreements to be bound by card reports.
 82.7 Report by employer operating temporarily in another compensation district.
 82.8 Name of one employer only shall be reported on one card.

AUTHORITY: The provisions of this Part 82 issued under sec. 39, 44 Stat. 1442, as amended, secs. 2-15, 67 Stat. 462-470; 33 U.S.C. 939, 43 U.S.C. 1331-1343.

SOURCE: The provisions of this Part 82 appear at 19 F.R. 6221, Sept. 28, 1954.

§ 82.1 Insurance carriers covering outer Continental Shelf.

Except as modified by the provisions of this subchapter, the provisions of the regulations in Part 32, Subchapter C of this chapter, shall govern insurance carriers under the Longshoremen's and Harbor Workers' Compensation Act as extended by the Outer Continental Shelf Lands Act to injury or death cases arising out of certain operations on the Outer Continental Shelf (67 Stat. 462, 43 U.S.C. 1331).

§ 82.2 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.

Any applicant currently authorized by the Bureau to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U. S. C. 901 et seq.), or under the District of Columbia Workmen's Compensation law (45 Stat. 600, 19 D. C. Code 11, 12), or under the Defense Bases Act (55 Stat. 622, 42 U. S. C. 1651), need not support its application with the evidence required by the regulations in Part 32, Subchapter C of this chapter, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Bureau, but instead its application may refer to the fact that it has been so authorized.

§ 82.3 Outer Continental Shelf endorsement.

(a) The following form of endorsement applicable to the standard

workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Bureau for use by an authorized carrier:

For Attachment to Policy No. -----

The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended to death or disability of employees arising out of certain operations on the outer Continental Shelf by the Provisions of the Outer Continental Shelf Lands Act, being Public Law 212 of the 83d Congress, approved August 7, 1953, and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

The Company will carry out the provisions of section 35 of the Longshoremen's and Harbor Workers' Compensation Act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

The Company agrees to abide by all the provisions of the Longshoremen's and Harbor Workers' Compensation Act and all the lawful rules, regulations, orders and decisions of the Bureau of Employees' Compensation, Department of Labor, and of the deputy commissioner having jurisdiction, unless and until set aside, modified or reversed by a court having jurisdiction over the parties and the cause of action.

This endorsement shall not be cancelled prior to the date specified in this policy for its expiration until at least thirty days have elapsed after a notice of cancellation has been sent to the Bureau, to the Deputy Commissioner, and to the within named employer.

All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

References to the law of any State in Conditions B and D of this policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and of the Outer Continental Shelf Lands Act.

(b) The following paragraphs may at the option of the insurer be included in the form of endorsement which is provided in paragraph (a) of this section. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Bureau and receipt of its written approval thereof:

If the within employer is a contractor the subject of whose contract includes operations covered by this policy and he shall sub-contract all or any part of such contract to one or more subcontractors, the remuneration of all the direct employees of such subcontractors shall be included in the return of remuneration under the provisions of this policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of the within named employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the policy as the remuneration of the direct employees of the within named employer. The requirements of this paragraph shall not apply as respects any such subcontractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but the within named employer shall not claim the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that any such subcontractor has legally secured the payment of compensation to his own direct employees and then only respecting any subcontractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the policy is less than \$300, there shall be added thereto an expense constant of \$10, unless such addition shall increase the premium to an amount in excess of \$300, in which event only such part of the expense constant shall be added as will bring the amount of the premium up to \$300. Inclusion of the expense constant or any part thereof in the estimated advance premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum premium of the policy includes the expense constant.

(c) In applying the regulations in Part 32, Subchapter C of this chapter insofar as they are incorporated in this subchapter all references to the Longshoremen's endorsement shall be construed as having reference to the Outer Continental Shelf endorsement prescribed in this section.

§ 82.4 Report by carrier of issuance of policy or endorsement; form.

(a) A carrier which has executed the agreement provided for in § 82.6 shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, light green, light

weight, 3 by 5 inches. The printing thereon shall be as follows:

Employer -----
Address -----
Policy No. -----

Dates of beginning and expiration -----

Report is made of the issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act, as amended and as extended to the Outer Continental Shelf by the Outer Continental Shelf Lands Act.

(Name of insurance carrier)

By -----
Cancellation -----

(Effective date)

(Date notice received by deputy)

This card shall be sent to the Deputy Commissioner of the Bureau of Employees' Compensation, U. S. Department of Labor, for the compensation district indicated by the employer's address.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this note may be printed on the reverse side of the card. The spaces below the line for the employer's name and the line for his address should each be sufficient to permit two additional lines of typewriting. The word "Employer" should be about $\frac{3}{4}$ inch from the top of the card. The line for cancellation date will be filled in only by the office of the deputy commissioner.

§ 82.5 Report; by whom sent.

The report of issuance of a policy and endorsement provided for in § 82.4 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agent or agencies so duly authorized. The deputy commissioner in turn shall supply to his suboffices, if any, current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancellation shall also be furnished to sub-offices.

§ 82.6 Agreements to be bound by card reports.

(a) Except as provided in this section, each employer shall present to the deputy commissioner in the compensation district in which he has operations, the policy covering his operations in such district, which he has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 932) as extended by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331). Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Bureau an agreement signed by its president and secretary (or other authorized officers in cases of foreign or mutual companies or State funds), in the following form, and making reports accordingly, of the issuance of a policy in such particular case.

The (insert name of insurance carrier) hereby agrees, in consideration of the acceptance by the Bureau of Employees' Compensation, Department of Labor and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as amended and as extended to the outer Continental Shelf by the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. Supp. 1, 1931) in the form prescribed by the Bureau in section 82.4 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement, under said laws in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; the sending of such report of issue of policy to the deputy commissioner shall be accepted by the Bureau and its deputy commissioners as conclusive evidence (1) of the issuance of a policy to the employer, named in such report, in approved form and having attached an approved form of endorsement under applicable regulations of the Bureau and (2) of the effectiveness of such policy during the period as stated in such report; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancellation, and then at the time and in the manner which is prescribed in the Longshoremen's and Harbor Workers' Compensation Act, in the regulations of said Bureau, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving thirty days' notice to the Bureau by registered mail.

§ 82.7 Report by employer operating temporarily in another compensation district.

Where an employer having operations in one compensation district (or jurisdictional area of such district) contemplates engaging in work subject to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U. S. C. 1331) in another compensation district, a carrier which has executed the agreement provided for by § 82.6 and desires to report coverage as to work performed in such other district, may submit to the deputy commissioner of such latter district a report on the card form prescribed by § 82.4, containing the address of the employer in the first mentioned district with the additional notation, "No present address in _____ compensation district. Certificate requested when address given."

§ 82.8 Name of one employer only shall be reported on one card.

A separate report of the issuance of a policy and endorsement, provided for by § 82.4, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report. Unless a card report is received by the deputy commissioner for a compensation district, the deputy commissioner shall regard an employer as an uninsured employer in the particular compensation district (except in cases where such employer is a duly authorized self-insurer, or the employer himself has presented a policy for inspection by the deputy commissioner).

PART 83—AUTHORIZATION OF SELF-INSURERS

Sec.

83.1 Authorization of self-insurers.

83.2 Reports required of self-insurers; examination of accounts of self-insurer.

AUTHORITY: The provisions of this Part 83 issued under sec. 39, 44 Stat. 1442, as amended, secs. 2-15, 67 Stat. 462-470; 33 U.S.C. 939, 43 U.S.C. 1331-1343.

SOURCE: The provisions of this Part 83 appear at 19 F.R. 6222, Sept. 28, 1954.

§ 83.1 Authorization of self-insurers.

The provisions of the regulations in Part 33, Subchapter C of this chapter,